William Crabb Esqr. & Richard Crump Kn^t. ag^t. John Woodward —

Maryland ss.

John Woodward late of Dorchester County Merchant ~~[illegible]~~ alias otherwise called John Woodward de Civitate Bristoll Mercator was summoned to answer unto William Crabb Esqr and Richard Crump Knight of a plea that he render unto them one hundred pounds lawfull money of England which to them he owes and unjustly detaines —

And whereupon the said William & Richard by Anthony Underwood their attorney say that whereas the said John Woodward the tenth day of November in the xxxvi^th year of the Reigne of Charles the second King of England &c. Anno Dom. 1684 and divers other days and years before and since in Court produced a certain bond or writing obligatory sealed with the seale of him the said John and now in Court produced to the said day and years aforesaid did acknowledge himselfe to be holden & firmly bound unto the said William Crabb Esqr & Richard Crump Knight in one hundred pounds of lawfull money of England to be paid to the said William Crabb and Richard Crump or any or either of them or their certaine attorney executors or administrators to which payment well & truely to be made the said John Woodward did bind him selfe his heirs executors & administrators firmly by these presents Notwithstanding which the said John Woodward unto the said William Crabb and Richard Crump the said sum of one hundred pounds according to the tenor of the said bond or writing obligatory hath not payd although to doe the same he hath bin severally required to wit the tenth day of November 1682 at Little Choptank in Dorchester County aforesaid but the same to pay hath denyed & still doth deny &c. whereupon the said William & Richard say they are the worse and have lost to the value of two hundred pounds sterling and therefore bring their suit &c. And the said John Woodward by George Parker his attorney comes and defends the force & injury when &c. and prayes the hearing of the said bond and it is read unto him he prayes also the hearing of the condition of the same bond and it is read unto him in these words vizt. The condition of this obligation is such that if the above bounden John Woodward his executors or assigns doe and shall well and truely pay and deliver or cause to be paid and delivered unto the above named William Crabb and Richard Crump their executors or assigns the full quantity and weight of sixteene hundred fifty hundred Ninety and four pounds of good merchantable merchantable tobacco in cases in some convenient landing place in Little Choptank River in Maryland on or before the tenth day of May next ensuing the date hereof according to the custome of the Country there the said bond being demanded that then this obligation to be void or else to stand in force which being read and heard &c. — And the said George Parker attorney for the said deft (saveth his liberty) to imparle to the said action until the next Provincial Court and it is granted unto him. The same day is given to the plaintiffs also — NOW here at this day to wit the sixth day of October anno Dom. 1684 and in the Ninth year of the dominion of Charles &c. Anno Dom. 1684 and the said parties by their attorneys aforesaid the said John Woodward says that the said William Crabb and Richard Crump their action against him ought not to have & maintain he says that the aforesaid William Crabb & Richard Crump are not inhabitants in the City of Bristoll and at the time of the taking out of the Original writ were not and at this time are not resident within this province of Maryland nor have the aforesaid Anthony Underwood who in the pretended Declaration aforesaid styles himselfe attorney of them the said William Crabb and Richard Crump any warrant of attorney or lawfull power from them the said William Crabb and Richard Crump nor any other person lawfully deputed constituted authorized or ordained attorney of them the said William Crabb and Richard Crump to sue or implead him the said John Woodward for the sum of one hundred

pounds of lawfull money of England mentioned in the Declaration aforesaid & not have the said William Crabb & Richard Crump sufficiently proved the bond or writing obligatory mentioned in the plea Declaration according to an act of Assembly in this province entitulled an act providing what shall be good evidence to prove forreign debts to whereupon the said John Woodward prayed judgment &c. And the aforesaid William and Richard say that they ought not to be barred from having their action aforesaid against him the said John for that they say that the aforesaid plea of the said John in manner & form aforesaid pleaded and the matter therein contained doth not hold sufficient in law to debar them the said William and Richard from having their action aforesaid thereupon against him the said John And that they to that in manner & form aforesaid pleaded hath not (certainly) nor by the law of the land are bound to answer that therefore they doe demurre thereon to answer for causes of Demurrer according to the statute in that case made and provided, say —

1st First as to that part of the said plea which sayeth that the plaintiffs ought not to have their action against him because they the said plaintiffs are inhabitants of the City of Bristoll and at the time of the taking out of the Originall writ were not and at the time of the putting in the plea aforesaid were not resident within this province the said William and Richard say that it is not law of England or of this province that they the said plaintiffs barr or hinder any the ledige people of our soveraigne Lord the King Ma^ty that now is from prosecuting or suing in this province for the recovery of their just rights and duties in this province for the recovery of their just rights as the said William and Richard say they are true and faithfull subjects of the said Ma^ty and though they are not resident in this province yet for that Reason onely they ought not to be barred from their action aforesaid.

2dly Secondly as to that part of the plea which saith the said Anthony Underwood who in the pretended Declaration aforesaid styles himselfe attorney of them the said William Crabb and Richard Crump have not any warrant of attorney or lawfull power from the said William Crabb and Richard Crump to sue or implead him the said John Woodward for the sum of one hundred pounds of lawfull money of England in the Declaration aforesaid mentioned they say that the said Anthony is admitted and sworne an Attorney of this Court and if he the said Anthony have not done according to the duty of his office he the said Anthony is punishable by the statute of the Eight of Elizabeth Chapter he forenamed to wit doth among other things set forth and enact that if any shall maliciously (for vexation and troubles cause or procure) any person to be arrested or attached to answer in any the Courts in Kent mentioned at the suite of any person without their leave (upon such or without the consent or agreement of the party at whose suite such arrest or attachment is procured the party) for causing or procuring the same and being thereof convicted by indictment presentment or the testimonys of two or more witnesses or other due proofe shall suffer six months imprisonment without bayle and shall not be enlarged until he hath satisfied the party aggrieved his treble damages and besides shall forfeit unto him (if he be known) tenn pounds to be recovered (as also the said treble damages) by action of debt bill or plaint in any Court against the party offending this testatum bond or admittance in which no Essoyne protection or wager of law to be allowed —

3dly Thirdly as to that part of the plea aforesaid which sayeth the said William Crabb and Richard Crump have not sufficiently proved the bond or writing obligatory mentioned in the plea Declaration according to an act of the Assembly of this province entitulled an act providing what shall be good evidence to prove forreign debts they say that the debt in question due upon the said bond of one hundred pounds of lawfull money of England and is not a forreign debt due within the province of the said